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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,526	12/05/2003	Masahiro Fushimi	03560.003415.	7334
5514	7590	10/11/2005		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER SANTIAGO, MARICELI				
ART UNIT 2879			PAPER NUMBER	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/727,526	Applicant(s) FUSHIMI, MASAHIRO	
	Examiner Mariceli Santiago	Art Unit 2879	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/15/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Nomura et al. (US 5,828,352).

Regarding claim 1, Nomura discloses an image forming apparatus (Figs. 13-14) comprising an electron-source substrate (1) having a plurality of cold-cathode electron emitting elements (5), each having an electron emitting portion (4) and a pair of element electrodes (3a, 3b), an acceleration electrode (7) for applying an acceleration voltage operating on electrons emitted from the electron emitting elements, disposed so as to face the electron emitting elements, a spacer (10) disposed between the electron-source substrate and the acceleration electrode, a wiring portion (17a, 17b) formed on the electron-source substrate for driving the electron emitting elements, these components being accommodated within an envelope, and an electron-trajectory correcting electrode (18b) for correcting beam deviation due to charging of the spacer, provided near an electron emitting element near the spacer.

Regarding claim 2, Nomura discloses an image forming apparatus (Figs. 13-14) comprising an electron-source substrate (1) having a plurality of electron emitting elements (5), an acceleration electrode (7) for applying an acceleration voltage operating on electrons emitted from the electron emitting elements, disposed so as to face the electron emitting elements, a spacer (10) disposed between the electron-source substrate and the acceleration electrode, a wiring portion (17a, 17b) formed on the electron-source substrate for driving the electron

emitting elements, these components being accommodated within an envelope, and an electron-trajectory correcting electrode (18b) for deflecting a trajectory of electrons emitted from an electron emitting element closest to the spacer so as to be separated from the spacer, disposed on the electron-source substrate in a state of being separated from the spacer.

Regarding claim 3, Nomura discloses an image forming apparatus (Figs. 13-14) wherein the electron-trajectory correcting electrode is disposed on a surface of the electron-source substrate where the electron emitting elements are disposed.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki et al. (US 6,351,005).

Regarding claim 1, Yamazaki discloses an image forming apparatus (Fig. 7) comprising an electron-source substrate (31) having a plurality of cold-cathode electron emitting elements (111), each having an electron emitting portion (1113) and a pair of element electrodes (1103, 1102), an acceleration electrode (1019) for applying an acceleration voltage operating on electrons emitted from the electron emitting elements, disposed so as to face the electron emitting elements, a spacer (20) disposed between the electron-source substrate and the acceleration electrode, a wiring portion (13) formed on the electron-source substrate for driving the electron emitting elements, these components being accommodated within an envelope, and an electron-trajectory correcting electrode (21) for correcting beam deviation due to charging of the spacer, provided near an electron emitting element near the spacer.

#### ***Allowable Subject Matter***

Claims 4-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 4, and specifically comprising the limitation the electron-trajectory correcting electrode is disposed on the wiring portion.

Regarding claim 5, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 5, and specifically comprising the limitation of the spacer is disposed for each of the plurality of lines, and the electron-trajectory correcting electrode is disposed between the spacer and one of the plurality of lines closest to the spacer.

Regarding claims 6 and 7, claims 6 and 7 are allowable for the reasons given in claim 5 because of their dependency status from claim 5.

Regarding claim 8, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 8, and specifically comprising the limitation of the spacer is disposed for each of the plurality of lines, and the electron-trajectory correcting electrode is disposed, so as to sandwich the spacer and one of the plurality of lines closest to the spacer.

Regarding claim 9, claim 9 is allowable for the reasons given in claim 8 because of its dependency status from claim 8.

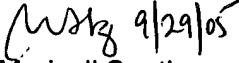
#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 9/29/05  
Mariceli Santiago  
Primary Examiner  
Art Unit 2879